

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DROPLETS, INC.,
Plaintiff,
v.
YAHOO! INC.,
Defendant.

Case No. 12-cv-03733-JST

**ORDER RE MOTION TO CLARIFY
TRIAL PROCEDURES**

Re: ECF No. 982

OATH, INC., et al.,
Intervenor-Plaintiffs,
v.
DROPLETS, INC.,
Intervenor-Defendant.

DROPLETS, INC.,
Plaintiff,
v.
NORDSTROM, INC.,
Defendant.

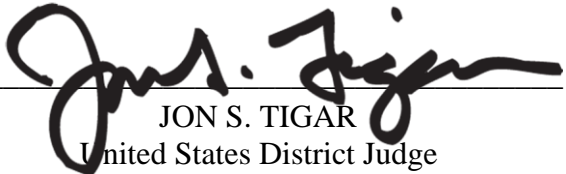
Plaintiff Droplets, Inc., is ordered to file a response to Defendant Nordstrom, Inc.'s motion to clarify trial procedures, ECF No. 982, by December 31, 2021. No reply shall be filed. The Court will conduct a hearing on the motion on January 3, 2021 at 9:30 a.m.

The Court is currently determining whether and under what conditions a jury trial can safely begin on January 10, 2021. For example, if the trial proceeds on that date, it is likely that

1 the Court will set a cap of 25 persons in the courtroom, and provide access to the public only
2 through the court's audio feed. The Court has already determined that it will order that only fully
3 vaccinated persons be allowed in the courtroom; the Court is considering whether also to define
4 "fully vaccinated" as meaning that two weeks have passed after receiving the second dose of a
5 two-dose COVID-19 vaccine (Pfizer or Moderna) or after receiving the single-dose COVID-19
6 vaccine (Johnson & Johnson) and receiving a COVID-19 booster shot for all who are eligible
7 (more than 6 months have passed since the second of any two-dose vaccine, or more than 2
8 months have passed since receiving a single-dose vaccine. *See* United States Court of Appeals for
9 the Ninth Circuit, Order Regarding Masking, Vaccination, and COVID-19 Self-Certification (Dec.
10 21, 2021) (available at [https://cdn.ca9.uscourts.gov/datastore/general/2021/09/14/Vaccination-](https://cdn.ca9.uscourts.gov/datastore/general/2021/09/14/Vaccination-Order.9-14-21.pdf)
11 [Order.9-14-21.pdf](https://cdn.ca9.uscourts.gov/datastore/general/2021/09/14/Vaccination-Order.9-14-21.pdf)). The Court is also considering whether to order that all persons entering the
12 courtroom complete a COVID rapid test each day and, if so, how to acquire and pay for the
13 necessary tests. The Court emphasizes that it has made no firm decisions on these issues and
14 looks forward to receiving the parties' input.

15 **IT IS SO ORDERED.**

16 Dated: December 29, 2021

17 
18 JON S. TIGAR
United States District Judge